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In re Patent No. 5,661,645 :  
Issue Date: August 26, 1997 :  
Application No. 08/673,200 :  
Filed: June 27, 1996 :  
Attorney Docket No. 65.016-014 :

NOTICE

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed April 15, 2008 in the above-identified patent. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

The fee deficiency submission under 37 CFR 1.28(c) is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

There is no indication in the patented file that David M. Quinlan, Registration No. 24,641, is an attorney/agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Quinlan appearing on the present submission under 37 CFR 1.28(c) shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If, Mr. Quinlan desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Quinlan. However, until otherwise instructed, all future correspondence regarding this application file will continue to be directed solely to the above-noted correspondence address of record.

Inquiries related to this communication should be directed to Brian W. Brown at (571) 272-5338.

Brian W. Brown  
Petition's Examiner  
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